

Nov 29, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOHNNY D.,¹

Plaintiff,

v.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

NO: 1:21-CV-03090-LRS

ORDER GRANTING STIPULATED
MOTION FOR REMAND

BEFORE THE COURT is the Defendant's Stipulated Motion for Remand, ECF No. 13. Based on the stipulation of the parties, the Court finds good cause to grant the motion. Accordingly, **IT IS HEREBY ORDERED:**

1. Defendant's Stipulated Motion for Remand, **ECF No. 13** is **GRANTED**.

2. This case is **REVERSED** and **REMANDED** for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

3. Remand is necessary because technical issues rendered the hearing


¹ The court identifies a plaintiff in a social security case only by the first name and last initial in order to protect privacy. *See* LCivR 5.2(c).

1 recording of the administrative hearing inaudible. On remand, the Social Security
2 Appeals Council will instruct the Administrative Law Judge to offer Plaintiff the
3 opportunity for a new hearing and issue a new decision.

4 4. The Court retains jurisdiction of the case pursuant to sentence six of 42
5 U.S.C. § 405(g). If the outcome of the new decision is favorable to Plaintiff, the
6 parties may move for entry of Judgment in this case. If the outcome is unfavorable
7 to Plaintiff, Plaintiff may seek judicial review in this case rather than by filing a
8 new Complaint.

9 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
10 Order and provide copies to counsel.

11 **DATED** November 29, 2021.

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14 LONNY R. SUKO
15 Senior United States District Judge
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